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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,315	06/19/2001	Harry Selent	SELENT	4851

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FRANK A. LUKASIK
SUITE 142
1250 WEST MARION AVE.
PUNTA GORDA, FL 33950

EXAMINER

NGUYEN, ANH T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 04/08/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,315

Applicant(s)

SELENT, HARRY

Examiner

Anh T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Claims 1 and 2 are presented for examination.

Claim Objections

2. The following claims are objected to because of the following informalities:

- a) Claim 1, line 7, "resources" should be followed by a semi-colon.

- b) Claim 2, line 17, "list" should be followed by a comma

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There are insufficient antecedent basis for the following limitations in the claims:

- a) Claim 1, line 10, recites the limitation "said screen ".
 - b) Claim 1, line 11 and lines 15-19, recites the limitation "said grid "
 - c) Claim 1, line 14, recites the limitation "said vertical" and "said horizontal axes"
 - d) Claim 1, line 16, recites the limitation "said left or said right side"
 - e) Claim 1, line 16-17, recites the limitation "said scale"
 - f) Claim 1, line 18, recites the limitation "said top or said bottom"
 - g) Claim 1, line 19, recites the limitation "said grid axis"

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h) Claim 1, line 21, 23, and 25 recites the limitation "said interfaces"

i) Claim 2, line 11, recites the limitation "said appointment"

For purposes of applying prior art, the examiner will make the best effort in interpreting claims in light of the specification.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. ("Zhang", US 6,016,478).

As per independent **claim 1**, Zhang teaches a method for using a computer to facilitate the creation and maintenance of a database based scheduling calendar for the coordinated scheduling of discrete components comprising the steps of:

inputting into the computer updateable database information concerning persons designated as users (col.11, lines 5-35), and material, equipment, facilities designated as resources (col.6, lines 27-29);

inputting into the computer a customizable programming means having a visual interface (Fig.4, *interface 400*), said interface having a plurality of display screens (Fig.4, Col.9, lines 56-57), said display screens including a first screen (Fig.4, *450*), said screen having a plurality of

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textual boxes , said textual boxes individually being an interface means(col.3, lines 30-32), said first screen having a central grid (Fig.4, 450), said grid having a first vertical axis and a second horizontal axis, a first top portion (Fig.4, 420), and a second bottom portion (Fig.4, 430), a first left side (Fig.440) and a second right side (Fig.4, 460), a plurality of time slot rectangles formed at intersections of said vertical and said horizontal axes (Fig.4), said time slot rectangles individually being an interface means, said grid having a time scale (fig.4, *i.e.* 9:00a-3:30p), said time scale being positioned at said left or said right side of said grid, said grid having a day/date scale (Fig.8E, 840), said scale being aligned with said horizontal or said vertical axis of said grid and said scale being positioned at said top or said bottom of said grid (Fig.8E, 841), said time slot rectangles each individually corresponding on said grid axis to said time scale and on said grid axis to said day/date scale forming thereby the appearance of a first schedule grid (Fig.8E, 841);

accessing said database through said interfaces, thereby inputting into said database new information relating to said providers, customers, and resources (col.18, lines 11-14);

accessing said database through said interfaces thereby outputting from said database specific information relating to said providers, customers and resources (col.9, lines 22-31); and

accessing said database through said interfaces thereby adjusting the appearance and function of said scheduling calendar (Fig.4, col.9, lines 33-49).

Zhang discloses clients (col.1, lines 25-27) and resources (col.2, lines 64-65), however, Zhang does not expressly disclose resources to be providers or customers. Official Notice is given that the use of resources such as clients referring to providers or customers is well known

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in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the use of clients being either providers or/and customers with Zhang's method in order to manage and keep track of appointments thereby maximizing one's time while adding further flexibility to the system for scheduling other commonly used resources such as providers and customers.

Allowable Subject Matter

7. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is an examiner's statement of reasons for allowance:

The prior art made of record fails to anticipate or make obvious the claimed invention. Specifically, the prior art fails to teach, in combination with the remaining elements:

The method further comprising the steps of:

maintaining a visible waiting list of customers, moving said waiting list of said customers individually to open time slot rectangles by dragging and dropping, adding or modifying textual or graphic attachments to said database information corresponding to individual customers, providers and resources and,

modifying display colors of said display screen to effect identifying color codes for said appointment, customers, providers, resources and users,

generating written reports from said database said reports denoting, current appointments, an appointment grid, an appointment list, mailing labels, providers list, customers list, service code list, appointment status report, no show list, top 25 list, appointment reminder messages,

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sent reminder messages, productivity report, referral source report, zip code referral report, authorized visit alert report, revenue generation report, service code recall report and a report list, presetting access levels and passwords among providers, customers and users said access levels being adjustable to permit limited access by said customers and said users to said scheduling calendar, said access being sufficient to inform said customer and said users of available time slots on said scheduling calendar, said access enabling said customer and said users to reserve said available time slots,

Although Zhang teaches a substantial amount of the claimed matters, Zhang fails to teach maintaining a waiting list, modifying display colors and generating written reports. Other prior art made of record such as Huemoller et al., Barnett et al., and Conmy et al. are also silent on these claim limitations.

The prior art of record does not teach or suggest individually or in combination maintaining a waiting list, modifying display colors and generating written reports with the other claim limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zhang et al. (US 6,016,478) teaches a scheduling system

Huemoller et al. (US 5,855,006) teaches a personal activity scheduling apparatus

Barnett et al. (US 6,369,840) teaches an online calendaring system

Conmy et al. (Pub. No. US2001/0014866 A1) teaches an electronic calendar with group scheduling and storage of user and resource profiles.

Inquiry

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh T Nguyen whose telephone number is (703) 305-8649. The examiner can normally be reached on Mon.-Fri. (7:00 a.m.- 4:00 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is as follows:

(703) 746-7238 [After Final Communication]


(703) 746-7239 [Official Communication]

(703) 746-7240 [For status inquiries, Draft Communication]

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Anh T Nguyen 
Examiner
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KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100